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April 3, 2020

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Hon. Kimba M. Wood
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re.: *United States v. Gordon Freedman, et al.*
Dkt. 18 Cr 217 (KMW) & 19 Cr 249 (KMW)

Dear Judge Wood:

I represent Dr. Gordon Freedman, who is currently detained at the Metropolitan Correctional Center (MCC) on the above two indictments, following his guilty plea under 19 Cr 249 and his conviction after trial on 18 Cr 217. Prior to his guilty plea on 19 Cr 249, he was a liberty on a \$1 million bond with numerous other related conditions.

As this Court is aware, there is a global coronavirus pandemic occurring and an epicenter of the entire planet is here in New York City. There are more than 200,000 people who are known to be infected in the United States, more than 83,000 of whom are in New York state, and more than 90% of those are in the counties comprising the Southern and Eastern Districts of New York. The New York times reported recently that recent epidemiological studies suggest that the ratio of positive tests to people who are actually infected with the virus is most likely between 1:5 or 1:10, suggesting that the actual number of infected people in the Southern and Eastern Districts of New York is now approaching more than 800,000.

The Bureau of Prisons has conducted a survey of individuals that it believes are at high risk of complications from the coronavirus if they should become infected, either because of age or pre-existing medical conditions. It has identified Dr. Gordon Freedman as fitting both categories: he is older than 60 years of age, and he has a systemic and potentially fatal medical condition that, if he became infected with COVID-19, could rapidly cause his death.

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I have spoken with the Government and it has, with my great appreciation, consented to release Dr. Freedman during this period of pandemic on a bond, in light of his particularly serious medical issues, upon the conditions stated below. On behalf of Dr. Freedman, we would consent to the terms of the bond as proposed, and that upon the conclusion of the pandemic or such time as the Court considers appropriate, Dr. Freedman would return to this Court for a review of the bail conditions, including his detention if the Court so determines is necessary.

The conditions for his release would be as follows:

1. Dr. Gordon Freedman and his brother Jonathan Freedman would sign and co-sign a bond for \$1 million (ONE MILLION DOLLARS), secured by \$100,000 cash (to be posted by Jonathan Freedman from his personal accounts);
 - Freedman shall have 3 days from the date of his release to post the \$100,000 cash security
2. The defendant shall be placed under 24-Hour home incarceration to be enforced by:
 - location monitoring technology to be determined by Pretrial Services;
 - The defendant may only leave his residence for necessary medical services and food shopping, and all other leave from the residence must be approved by Pretrial Services;
 - The defendant is permitted to self-install the monitoring equipment under the direction and instruction of Pretrial Services;
3. Within two weeks of his release, the defendant must purchase or secure an iPhone with Facetime capabilities for remote/virtual monitoring by Pretrial Services;
4. The defendant must report and disclose to Pretrial Services when any cohabitant of the residence, including self, may be symptomatic of any illness;
5. Dr. Freedman shall be released immediately upon (i) his signature on the bond and (ii) the signature of Jonathan Freedman on the bond, and be required to isolate for a period of 14 days prior to living with others to account for his potential exposure to the coronavirus while in BOP custody. A hotel reservation has been made in Dr. Freedman's name and is ready to accept him today at Best Western at Herald Square, 50 West 36th Street, New York, New York.
6. After the 14 day quarantine, Dr. Freedman would reside at the home of Jonathan Freedman or another residence approved by Pretrial Services and the Government;
7. Dr. Freedman's passport is in the custody of Pre-trial Services and he may not apply for any other travel document;
8. Dr. Freedman's travel would be restricted to the SDNY and the EDNY and he shall not leave his residence except for medical visits or for other reasons that are approved in advance by Pretrial Services; and
9. Any other conditions the Court considers appropriate to the circumstances.

On behalf of Dr. Freedman and with the consent of the Government, I request that this Court forthwith order Dr. Freedman released on bond, subject to the conditions as stated above. I thank the Court for its consideration, and I wish the entire court staff to stay healthy and safe.

Granted

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In addition, sentencing in this matter is presently scheduled for April 23, 2020. In light of the ongoing COVID-19 pandemic, the parties respectfully request that the Court adjourn the sentencing in both the 18 Cr. 217 matter and the 19 Cr. 249 matter until a date amenable to the Court in June 2020.

Sentencing was adjourned
by the Court, sine die, on
March 13, 2020.

Respectfully submitted,

s/Sam Braverman

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Cc: AUSA Katherine Reilly (BY ECF)
AUSA Noah Solowiejczyk (BY ECF)
AUSA David Abramowitz (BY ECF)

William M. Ward

SO ORDERED

4/3/20

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